





“ And we will not, by ourselves, or others, procure any thing,  
 “ whereby any of these *concessions* and *liberties* be revoked or  
 “ lessened; and if any such thing be obtained, let it be null and  
 “ void :—neither shall we ever make use of it, either by ourselves  
 “ or any other.”

*Magna Charta, Art. 75. Vide page 16.*

MAGNA CHARTA,  
THE  
*Bill of Rights;*  
WITH  
THE PETITION OF RIGHT,  
PRESENTED TO  
*Charles I. by the Lords and Commons,*  
TOGETHER WITH  
*His Majesty's Answer;*  
AND THE  
CORONATION OATH.



With Notes and Illustrations by  
BLACKSTONE, COKE, CAMDEN, RAPIN, DUGDALE,  
SELDEN, STOWE, &c.

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*Price Sixpence.*



# MAGNA CHARTA;

OR,

## *The Great Charter of Liberties,*

GRANTED BY

*KING JOHN to the PEOPLE of England, on the  
15th of June, 1215.\**

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JOHN, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Anquitaine, and Earl of Anjou; to the Archbishops, bishops, abbots, earls, barons, justiciaries of the forests, sheriffs, governors, officers, and to all bailiffs, and other his faithful subjects, greeting. Know ye, that We,† in the presence of God, and the health of our soul, and the souls of our ancestors, and to the honour of God, and the exaltation of his holy Church, and amendment of our kingdom, by advice of our venerable fathers, Stephen, Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church; Henry, Archbishop of Dublin: William, Bishop of London; Peter, of Winchester; Jocelin, of Bath and Glastonbury; Hugh, of Lincoln; Walter, of Worcester; William, of Coventry; Benedict, of Rochester; Bishops: and Master Pandulph, the Pope's Sub-Deacon and ancient servant; Brother Ayme-

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\* We are indebted to the Cottonian Library, at Oxford, for this authentic copy of the original *Magna Charta*.

† According to Coke's Institutes, King John was the first of our sovereigns who assumed the plural WE in his grants. See Coke's Inst. page 2.

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All notes marked thus, (1, 2, 3,) are translations from the original Latin, of Mathew Paris, London, 1640, and which were omitted in the Oxford copy.

All passages within crotchets thus [ ] are taken from the MAGNA CHARTA of Henry III.

Other notes and illustrations are taken from Coke, Blackstone, Camden, Rapin, Dugdall, Selden, Stowe, and others; which will be found of the utmost utility, both to gentlemen of the bar, and the historian.

rick, Master of the Temple in England, and the noble persons, William Marecsall, Earl of Pembroke; William, Earl of Salisbury; William, Earl of Warren; William, Earl of Arundel; Alan de Gallaway, Constable of Scotland; Warin Fitz-Gerald, Peter Fitz-Herebert, and Hubert de Burgh, Seneschal of Poicton; Hugh de Neville, Matthew Fitz-Herebert, Thomas Basset, Allan Basset, Phillip de Albinéy, Robert de Ropele, John Marescall, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and by this our present Charter, confirmed for us and our heirs for ever.

1. That the Church of England shall be free,\* and enjoy her whole rights and liberties inviolable.† And we will have them so to be observed, which appears from hence, that the freedom of elections, which was reckoned most necessary for the Church of England,‡ of our own free will and pleasure, we have granted and confirmed by our charter, and obtained the confirmation of, from Pope Innocent the Third, before the discord between us and our barons, which Charter we shall observe, and do will it to be faithfully observed by our heirs for ever.

2. We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the under-written liberties, to have and to hold them and their heirs, of us and our heirs.

3. If any of our Earls,§ or Barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heirs shall be of full age, and owe a relief; he shall have his inheritance by the ancient relief;|| that is to say, the heir or heirs of an Earl, for a whole Earl's barony, by a hundred pounds; the heir or heirs of a Baron, for a

\* The property of Ecclesiastics shall not be liable to exaction or oppression, but only liable to lawful duties. *Cok*, p. 2.

† According to the above authority, the Clergy obtained nothing more from this grant than a confirmation of their former privileges.

‡ Consult Rapin's history of England, p. 267.

§ From Rapin and Selden's Titles of Honour, we learn that the titles of Duke, Marquis, and Viscount, were then unknown in England.

|| According to the laws of William I. this relief was eight horses saddled and bridled, four coats of mail, four helmets, the same number of shields, spears, swords, chafers, and one palfrey. A vavasor or great vassal, produced to his lord his best horse, helmet, and other military accoutrements, or in place of these 100 shillings.—*Coke*, p. 7.

whole barony, by a hundred pounds\*; the heir or heirs of a knight, for a whole knight's fee, by a hundred shillings at most; and he that oweth less shall give less, according to the ancient custom of fees.

4. But if the heir of any such shall be under age, and shall be in ward, (1) when he comes of age, he shall have his inheritance without relief or without fine. (2)

5. The warden of the land of such heir who shall be under age, shall take of the land of such heir, only reasonable issues, reasonable customs, and reasonable services; || and that without destruction and waste of the men or things. (3) And if, we shall commit the guardianship of these lands to the Sheriff, or any other, who is answerable to us for the issues of the land; and if he shall make destruction and waste upon the ward-lands, we will compel him to give satisfaction, and the land shall be committed to two lawful and discreet tenants of that fee, who shall be answerable for the issues to us, or to him whom we shall assign. And if we shall give or sell the wardship of such lands to any one, and he makes destruction or waste upon them, he shall lose his wardship, which shall be committed to two lawful and discreet tenants of that fee, who shall in like manner be answerable to us, as hath been said.

6. But the warden, so long as he shall have the wardship of the land, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land stocked with plows and carriages, according as the time of wain-

(1) [His wardship shall not be paid to his lord, nor his land assessed, before he hath received his homage, and after he shall have attained the full age of twenty-one.]

(2) [Notwithstanding, if he should be made a knight while under age, yet his lands shall remain in the lord's custody, until the afore-said time.]

(3) [Translated to mean upon the estate.]

\* This is exactly as set down in the Cottonian Copy; but from Coke it appears, that *marks* are meant instead of pounds.

† The King's tenants heirs while under the age or minors, were called in ward.

|| By *Issues* are meant rents and profits, customs, advowsons, commons, strays, fines, &c. By *Services*, the labour due from copyholders to their lords.—Rapin's Notes, p. 150—Coke, p. 12, 13.

§ By becoming a knight, according to the laws of chivalry, he became out of ward as to person, but his land remained in the custody of the lord—(See Coke, p. 11.)

age shall require, and the issues of the land can reasonably bear. (1)

7. Heirs shall be married without disparagement,\* [so as that before matrimony shall be contracted, those who are nearest to the heir in blood shall be made acquainted with it.]

8. A widow, after the death of her husband, shall forthwith, and without any difficulty, have her marriage,† and her inheritance, nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death. And she may remain in the capital messuage or mansion-house of her husband 40 days after his death; within which term her dower shall be assigned. (2)

9. No widow shall be distrained‡ to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another.

10. Neither we nor our bailiffs§ shall seize any land|| or rent for any debt, so long as there shall be chattels of the debtor's upon the premises; sufficient to pay the debt. (3) Nor shall the sureties of the debtor be distrained, so long as the principal debtor is sufficient for the payment of the debt.

11. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it, (4) then the

(1) [And all these regulations shall be observed in the custodies of vacant Archbishops, Bishops, Abbeys, Priories, Churches, and all other dignities whatever, that appertain to us; only accepting that these wardships shall not be sold.]

(2) In this clause originates a woman's *thirds*, which was at that time esteemed a competent maintenance out of his rents and profits. The *Estover*, in old law meant, here that part of her dower which was paid her for her decent maintenance before the final settlement could be made.

(3) [So that the debtor was ready and willing to satisfy the same.]

(4) [Or should refuse, or would not discharge the same when become able.]

\* Under his degree with reference to the relations.

† With liberty to marry where and whom she likes.

‡ Forced or compelled by seizing her goods and chattels.

§ Sheriffs' officers are here understood

|| For previous to this grant the King could take both the body and goods of the debtor. Consult Coke and Blackstone.

sureties shall answer the debt, and if they will they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they paid for him; unless the principal debtor can show himself acquitted thereof, against the said sureties

12. [If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold; and if the debt falls into our hands, we will take only the chattels mentioned in the Charter of instrument]

13. [And if any one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessities provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid; saving however the service of the lords. In like manner let it be with the debts due to other persons than the Jews.]

14. No *Scutage*\* or aid shall be imposed in our kingdom, unless by the common council of our kingdom, except to redeem our person, and to make our eldest son a knight, and once to marry our eldest daughter; and for this there shall only be paid a reasonable aid.

15. [In like manner it shall be concerning the aids of the city of London; and] the city of London shall have all its ancient liberties and free customs, as well by land as by water.

16. Furthermore, we will and grant that all other cities and boroughs, and towns and ports, (1) shall have all their liberties and free customs; and shall have the common council of the kingdom concerning the assessments of their aids, except in the three cases aforesaid.

17 [And for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm, singly by our letters.

18. [And furthermore, we shall cause to be summoned in general by our sheriffs and bailiffs, all others who hold

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(1) These CINQUE PORTS, or Five Ports, are in the county of Kent, and have great privileges assigned them. The Baronage of any of these ports was always considered as a great honour.

\* According to this remainder of the feudal system, military service was due to the King from the tenants in chief, as is plainly shewn in the notes to Rabin, vol. I. art. K. John.

of us in chief,\* at a certain day, that is to say, forty days, (before their meeting) at least to a certain place; and in all letters of such summons, we will declare the cause of the summons.]

19. [And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.]

20. We will not for the future grant to any one, that he may take aid of his own free tenants, unless to redeem his body, and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

21. No man shall be destreined to perform more service for a knight's fee or other free tenement, than is due from thence.

22. Common Pleas shall not follow our court, but shall be holden in some certain place; trials upon the writs of *Novel Disseisin* and of *Mort d'Ancestor*, and of *Darreine Presentment*,† shall be taken but in their proper counties, and after this manner: We, or (if we shall be out of the realm) our chief justiciary, shall send two justiciaries through every county, four times a year; who, with the four knights chosen out of every shire by the people, shall hold the said assizes in the county, on the day, and at the place appointed.

23. And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall be appointed to decide them as is necessary, according as there is more or less business. (1).

24. A free man‡ shall not be amerced for a small fault, but according to the degree of the fault, and for a great crime, in proportion to the heinousness of it, saving to him his

(1) [Assizes of *Darreine's Presentments* to Churches, were always taken before Justiciaries of the Bench presided.]

\* Here we perceive the origin of Writs of Assize, to recover rights and properties unjustly detained.

From this article we must conclude that none other than tenants in chief, had a right to sit in the great Council or Parliament of the nation. Rapin's notes on this subject will convince the doubtful reader.

† A Writ of *Mort d'Ancestor*, is that which lies where any near relation of the deceased, and a stranger after his death seizes them. The Writ of *Darreine* relates to church presentments, where when the presentation becomes void a stranger presents, which disturbs the owners right of the real possessor.

‡ Here meant a Freeholder.

contenement,\* and after the same manner a merchant, saving to him his merchandise.

25. And a villain (1) shall be amerced after the same manner, saving to him his wainage,† if he falls under our mercy; and none of the aforesaid amerciaments‡ shall be assessed, but by the oath of honest men of the neighbourhood (2).

26. Earls and barons shall not be amerced but by their peers,§ and according to the quality of the offence.

27. No ecclesiastical person shall be amerced, but according to the proportion aforesaid, and not according to the value of ecclesiastical benefice.

28. Neither a town, nor any person, shall be distreined to make bridges over rivers, unless that anciently, and of right they are bound to do it. (3.)

29. No sheriff, constables, || coroners, or other our bailiffs, shall hold pleas of the crown.

30. [All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any encrease, except in our demesne lands.]

31. If any one that holds of us a lay fee, dies, and the sheriff, or our bailiff show our letters-patent of summons concerning the debt, due to us from the deceased: it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the deceased found upon his lay-fee, to the value of the debt, by the view of lawfull men, so as nothing be removed until our whole debt be paid; and the rest shall be left to the executors to fulfill the will of the deceased: and if there be nothing due from him to us, all the chattels shall remain to the deceased, save to his wife and children their reasonable shares.

32 [If any freeman dies intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the church, saving to every one his debts, which the deceased owed.]

(1) [Of any other than our own.]

(2) [Of the Country.]

(3) [No river hereafter shall be embanked but was so in the time of our grandfather, King Henry.]

\* The means of livelihood, such as tools, implements, &c.

† Carts and husbandry utensils.

‡ Amerciament of money against an offender of the King.

§ Here meant equals.

|| Constables of Castles were in ancient times men of great authority.

33. No constable or bailiff of ours shall take corn or other chattels of any man, (1.) unless he presently gives him money for it, or hath respite of payment from the seller. (2)

34. No constable shall distrain any knight to give money for castle-guard, if he himself shall do it in his own person, or by another able man, in case he shall be hindered by any reasonable cause.

35. And if we shall lead him, or if we shall send him into the army, he shall be free from castle-guard, from the time he shall be in the army, by our command. (3)

36. No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage. (4.)

37. Neither shall we or our officers or others, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber. (5)

38. We will retain the lands of those that are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

39. All wares for the time to come shall be demolished in the river Thames and Medway, and throughout all England, except upon the sea-coast.

40. The writ which is called *Præcipe*\* for the future, shall not be granted to any one of any tenement, whereby a freeman may lose his cause.

41. There shall be one measure of wine, and one of ale, through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth and russets and haberjects,† that is to say, two ells within the list; and the weights shall be as the measures.

42. From henceforward nothing shall be given or taken for a writ of inquisition,‡ from him that desires an inqui-

(1) [Who is not of the town where the Castle stands.]

(2) [But if he is of the same place he must pay him within 40 days.]

(3) [As the value of such fee for which he served in the army.]

(4) [Without paying according to ancient rates or prices; as ten pence a day for the labour of a cart and two horses; one horse more made it 1s. 2d.]

(5) [Clergy and Widows were exempt from the above demands, nor could their timber be taken to build or repair the King's or Lord's Castles.]

\* The *Præcipe* Writ was one to replace a person in possession who had been unjustly put out.

† Haberjects. &c. was coarse cloth

‡ This was a Writ to enquire into the justice of a man's committed to prison, whether out of malice or on just grounds.

sition of life or limbs, but shall be granted *gratis* and not denied.

43. If any one holds of us by fee-farm or socage, or burgage,\* and holds land of another by military service, We will not have the wardship of the heir or land, which belongs to another man's fee, by reason of what he holds of Us, by fee-farm, socage, or burgage; nor will we have the wardship of the fee-farm, socage, or burgage, unless the fee-farm is bound to perform military service.

44. We will not have the wardship of an heir, nor of any land, which he holds of another by military service, by reason of any *petit serjeanty* he holds of us, as by the service of giving us daggers, arrows, or the like.

45. No bailiff for the future shall put any man to his law,† (1) upon his single accusation, without credible witnesses produced to prove it.

46. No freeman shall be taken, or imprisoned, or dis-seised, (2) or outlawed, or banished or anyways destroyed; nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land.‡

47. We will sell to no man, we will deny no man nor defer right or justice.

48. All merchants (3) shall have safe and secure conduct to go out of, and come into England;§ and to stay there, and to pass, as well by land as by water; to buy and sell by the ancient and allowed customs, without any evil tolls, except in time of war, or when they shall be of any nation in the war with us.

49. And if there shall be found any such in our land in the beginning of the war, they shall be attached, without damage to their bodies or goods, until it may be known unto us, or our chief justiciary, how our merchants be

(1) [That is not to put him upon oath.]

(2) [Or his freehold, or liberties of custom taken from him.]

(3) Unless public prohibition be made.

\* There are three sorts of tenantry.—To hold in Fee Farm is where a reserve in the rent is made for the lord of the tenantry. The condition of Socage is the service of ploughing the lord's land for extent or time; and Burrage is where the tenants in a borough pay only a quit-rent for their tenement.

† To take his oath.

‡ By legal process or trial by a jury of his equals.

§ By ancient laws foreigners were only permitted here in fair times, and then only to continue a few days after such was over; never exceeding forty days in all.—See Coke, p. 57.

treated in the nation at war with us; and if ours be safe there, they shall be safe in our land.

50. [It shall be lawful, for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war by some short space from the common benefit of the kingdom, except prisoners and outlaws (according to the law of the land,) and people in war with Us, and merchants who shall be in such condition as is above mentioned.]

51. If any man holds of any escheat, as of the honour of Wallingford, Nottingham, Bologne, Lancaster, or of other escheats, which are in our hands, and are baronies; and dies, his heirs shall not give any other relief, or perform any other service to Us than he would to the baron, if the barony were in possession of the baron. We will hold it after the same manner the baron held it. (1).

52. [Those men who dwell without the forest, from henceforth shall not come before our justiciaries of the forest upon summons, but such as are impleaded, or are pledges for any that were attached for something concerning the forest.] (2)

53. We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.

54. All barons, who are founders of abbeys, and have charters of the kings of England for the advowson, or are entitled to it by ancient tenure, may have the custom of them, when void, as they ought to have.

55. All woods that have been taken into the forest (3) in our own time, shall forthwith be laid out again; (4) and the like shall be done with the rivers that have been taken or fenced in by us, during our reign.

56. All evil customs, concerning forests, warrens, and foresters, warreners, sheriffs, and their officers, rivers, and their keepers, shall forthwith be enquired into in each

(1) Unless he held the barony in Chief of the King, or a wardship elsewhere.

(2) [No County Courts were to be held by this authority oftener than monthly, and only in the accustomed place. *Frank Pledge* was always holden after Michaelmas, and was enabled to repel oppression of great lords.] See Dr Brady on Boroughs.

(3) [By King Richard, our Royal brother.]

(4) [Unless they were our demesnes, or wards entire.]

county, by twelve knights of the same shire, chosen by the most creditable persons in the same county, and upon oath; and, within forty days after the said inquest, be utterly abolished, so as never to be restored (1.)

57. We will immediately give up all hostages and engagements, delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

58. We will entirely remove from our bailiwicks the relations of Gerard de Athyes, so as that for the future they shall have no bailiwick in England. We will also remove Enegelard de Cygony, Andrew, Peter, and Gyon de Cygony, Geoffrey de Martyn and his brothers; Philip Mark and his brothers, and his nephew Geoffrey and their whole retinue.

59. And as soon as peace is restored, we will send out of the kingdom all foreign soldiers, cross-bowmen, and stipendiaries, who are come with horses and arms to the injury of our people.

60. If any one hath been dispossessed, or deprived by us, without the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and if any dispute arise upon this head, let the matter be decided by the five and twenty barons hereafter mentioned,\* for the preservation of the peace.

61. As for those things, of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either by King Henry our father, or our brother King Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have respite till the term usually allowed the croises; excepting those things about which there is a suit depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.

62. The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard

(1) [No freeman in future shall sell his land without appeal to the lord thereof to the end that his service for it may be performed.]

\* Their names are all recorded in Mathew Paris, p. 262, including the Mayor of London, and the Constable of Chester.

have afforested; and for the wardship of the lands which are in another's fee, in the same manner as we have hitherto enjoyed those wardships, by reason of a fee, held of us by knight's service; and for the abbeyes founded in any other fee than our own, in which the Lord of the fee claims a right. And when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complainants in this behalf.

63. No man shall be taken or imprisoned, upon the appeal of a woman, for the death of any other man than her husband.

64. All unjust and illegal fines, and all amerciements, imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him. And if he cannot be present, the business shall, notwithstanding, go on without him. But so that, if one or more of the 25 barons be plaintiffs in the same cause, they shall be set aside, as to what concerns this particular affair; and others be chosen in their room; out of the said five and twenty, and sworn by the rest to decide that matter.

65. If we have disseised or dispossessed the Welch of any lands, liberties, or other things, without the legal judgment of their peers, they shall be immediately restored to them. And if any dispute arises upon this head, the matter shall be determined in the Marches, by the judgment of their peers. For tenements of England according to the law of England. For tenements in Wales according to the law of Wales. The same shall the Welch do to Us and our subjects.

66. As for all those things, of which any Welshman hath without the legal judgment of his peers, being disseised or deprived, by King Henry our Father, or our brother King Richard, and which we either have in our hands, or others are possessed of and we are obliged to warrant it; we shall have a respite till the time generally allowed the crois; excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade. But when we return, or if we

stay at home, and do not perform our pilgrimage, we will immediately do them full justice according to the laws of the Welch, and of the parts afore-mentioned.

67. We will without delay dismiss the son of Lewelin, and all the Welch hostages, and release them from the engagements they entered into with Us, for the preservation of the peace.

68. We shall treat with Alexander King of Scots, concerning the restoring of his sister and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England: unless by the engagements which his father William, late King of Scots, hath entered into with Us, it ought to be otherwise; and this shall be left to the determination of his peers in our court.

69. All the aforesaid customs and liberties which we have granted to be holden in our kingdom, as much as it belong to us towards our people: all our subjects, as well clergy as laity, shall observe as far as they are concerned, towards their dependants

70. And whereas, for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between Us and our barons, we have granted all the things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the following security; namely, that the barons may choose five-and-twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberty we have granted them, and by this our present charter confirmed. So as that if we, our justiciary, our bailiffs, or any of our officers, shall in any case fail in the performance of them, towards any person; or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five-and-twenty aforementioned, the said four barons shall repair to Us, or our justiciary, if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by Us, or, if we should chauce to be out of the realm, if it is not redressed by our justiciary within forty days, reckoning from the time it has been notified to Us, or to our justiciary if we should be out of the realm; the four barons shall lay the cause before the rest of the 25 barons, and the said 25 barons, together

with the community of the whole kingdom, shall distraim and distress us all the ways possible, namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless o r own person, and the person of our queen and children; and when it is redressed, they shall obey Us as before.

71. And any person whatsoever in the kingdom may swear that he will obey the orders of the five and twenty barons aforesaid, in the execution of the premises, and that he will distress us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath.

72. As for all those of our subjects, who will not, of their own accord, swear to join the five and twenty barons in distraining and distressing us, we will issue our order to make them take the same oath, as aforesaid.

73. And if any one of the five and twenty barons dies; or goes out of the kingdom, or is hindered any other way, from putting the things aforesaid in execution, the rest of the said five and twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner, as the rest.

74. In all things that are committed to the charge of these five and twenty barons, if, when they are all assembled together, they should happen to disagree about any matter, or some of them, when summoned, will not, or cannot come, whatever is agreed upon or enjoined by the major part of those who are present, shall be reputed as firm and valid, as if all the five and twenty had given their consent, and the aforesaid five and twenty shall swear that all the premises they shall faithfully observe, and cause with all their power to be observed.

75. And we will not, by ourselves, or others, procure any thing, whereby any of these concessions and liberties be revoked or lessened; and if an such thing be obtained, let it be null and void:—neither shall we ever make use of it, either by ourselves or any other.

76. And all the ill-will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity from the first breaking out of the dissension between us, we do fully remit and forgive. Moreover, all trespasses occasioned by the said dissension, from Easter in the sixteenth year of our reign, till the restoration of peace and tranquil-

lity, we hereby entirely remit, to all clergy, as well as laity, and far as in Us lies, do fully forgive.

77. We have moreover granted them our letters patent testimonial of Stephen Lord Archbishop of Canterbury, Henry Lord Archbishop of Dublin, and the Bishops aforesaid, as also of Master Pandulph, for security of concessions aforesaid.

78. Wherefore we will, and firmly enjoin, that the church of England be free, and that all men in our kingdom have and hold. all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs of Us and our heirs, in all things and places for ever, as aforesaid.

79. It is also sworn, as well on our part, as on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed.

*Given under our hand in the presence of the witnesses above-named, and many others, in the Meadow called Running-mede, between Windlesore and Stanes, the 15th day of June, in the 17th year of our reign.*

o — So as we are first acquainted therewith, or our justiciary, if we should not be in England.

— o And in the same manner, about administering justice, deafforesting the forests, letting them continue.

Either in England or Wales—

For ever—

The above are the articles contained in the two copies of the original, which are of undoubted antiquity, and as old as King John. Another is in the British Museum They all begin with "SO." and end with "FOR EVER," a sure mark of their intended immortal duration.

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## THE PETITION OF RIGHT,

Presented to His Majesty, Charles the First.

*By the Lords Spiritual and Temporal, and Commons, in Parliament assembled, concerning divers Rights and Liberties of the subjects.*

TO THE KING'S MOST EXCELLENT MAJESTY.

HUMBLY shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, That, whereas it is declared and enacted by

statute made in the time of the reign of King Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or age shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonality of this realm; And, by the authority of Parliament holden in the five and twentieth year of the reign of King Edw. III. it is declared and enacted, That, from thenceforth, no person shall be compelled to make any loans to the King against his will, because such loans were against reason, and the franchise of the land; And, by other laws of this realm, it is provided, that none should be charged by any charge or imposition called a benevolence, or by such like charge: By which the statutes before mentioned and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid or other like charge, not set by common consent in Parliament.

II Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council and in other places; and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted. And divers other charges have been laid and levied upon your people in several counties, by Lord Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others, by command or direction from your Majesty, or your Privy Council, against the laws and free customs of this realm.

III. And whereas also, by the statute called, *The Great Charter of the Liberties of England*, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or of his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight and twentieth year of the reign of

King Edward III. it was declared and enacted, by authority of Parliament, That no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by the due process of law.

V. Nevertheless, against the tenour of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed; and when for their deliverance, they were brought before justices, by your Majesty's writs of *Habeas Corpus*, there to undergo and receive as the Court should order, and their keepers commanded to certify the cause of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the Lords of your Privy Counsel, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law.

VI And whereas of late, great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas also, by authority of Parliament, in the five and twentieth year of the reign of King Edward III. it is declared and enacted, That no man shall be forejudged of life, or limb against the form of the *Great Charter*, and the law of the land; and, by the said *Great Charter*, and other the laws and statutes of this your realm, no man ought to be judged to death but by the laws established in this your realm, either by the customs of the realm or by Acts of Parliament: And whereas no offender, of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: Nevertheless, of late divers commissions, under your Majesty's great seal, have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by summary course and order

as is agreeable to martial law, and as is used by armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

VIII. By pretext whereof some of your Majesty's subjects have been, by some of the said commissioners, put to death, when and where, if by the laws and statutes of the land, they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed.

IX. And also sundry grievous offenders, by colour threof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forbore to proceed against such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissioners as aforesaid: Which commissioners, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your most excellent Majesty; That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent, by Act of Parliament: And that none be called to make answer, or take such oath, or to give attendance, or be confined or otherwise molested or disquieted, concerning the same or for refusal threof: And that no freemen, in any such manner as is before mentioned, be imprisoned or detained: And that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the aforesaid commissioners, for proceeding by martial law, may be revoked and annulled. And that hercafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them, any of your Majesty's subjects be destroyed, or put to death, contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty, as their rights and liberties, according to the laws and statutes of this realm: And that your Majesty would also vouch to declare, That the awards, doings, and roceedings to the prejudice of your people, in any of the

premises, shall not be drawn hereafter into consequence of example : And that your Majesty would be also graciously pleased for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.



## *His Majesty's Answer*

TO THE

## PETITION OF RIGHT.

THE Petition being read, the King's answer was delivered unto it, as follows :

“The King willeth that right be done, according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong, or oppressions, contrary to their just rights and liberties. To the preservation whereof, he holds himself in conscience as well obliged, as of his prerogative.”

But this answer not giving satisfaction, the King was again petitioned unto, that he would give a full and satisfactory answer to their Petition, in full Parliament ; whereupon the King in person, upon the seventh of June, 1682, made this second answer.

“My Lords and Gentlemen,

“The answer I have already given you, was made with so good a deliberation, and approved by the judgment of so many wise men, that I could not have imagined but that it should have given you satisfaction ; but to avoid all ambiguous interpretations, and shew you that there is no doubleness in my meaning, I am willing to please you in words as well as in substance ; read your Petition, and you shall have an answer that I am sure will please you.”

And then causing the Petition to be read distinctly by the Clerk of the Crown ; the Clerk of the Parliament read the King's answer thereunto in those words : “ *Soit droit fait comme est desire,*” which is,

LET RIGHT BE DONE AS IS DESIRED.

# BILL OF RIGHTS.

## *The declaration of Rights of the People of England.*

Made by the LORDS Spiritual and Temporal, and the COMMONS, assembled at Westminster; assented to and confirmed by WILLIAM, Prince of Orange, and the Princess MARY, previous to the offer made them of the Crown, by the Convention, Feb. 13, 1689.

WHEREAS, the late King James the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom, by assuming and exercising a power of dispensing with, and suspending of laws, without consent of Parliament; by committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power; by issuing and causing to be executed, a commission, under the great seal, for erecting a court called The Court of Commissioners for Ecclesiastical Causes; by levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by Parliament; by raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law; by causing divers good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to laws: by violating the freedom of election of members to serve in Parliament; by prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses. And whereas, of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high-treason, which were not freeholders; and excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects; and excessive fines have been imposed; and illegal and cruel punishments inflicted; and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied. All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas, the said late King James the Second, having abdicated the government, and the throne being thereby vacant, his Highness Prince of Orange (whom it has pleased

Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did, by the advice of the Lords spiritual and temporal, and divers principal persons of the Commons, cause letters to be written to the Lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the chusing of such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster, upon the twenty-second day of January, in the year 1689, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted. Upon which letters, elections having been accordingly made; and thereupon the Lords spiritual and temporal, and Commons, pursuant to their several letters and elections being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for vindicating and asserting their ancient rights and liberties; declare

1. That the pretended power of suspending laws, or execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by legal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of the like nature, are illegal and pernicious.

4. That the levying of money for, or to the use of the crown, by pretence of prerogative, without grant of Parliament, for longer time, or in any other manner, than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

6. That raising and keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence, suitable to their condition, and is allowed by law.

8. That the election of Members of Parliament ought to be free.

9. That the freedom of speech, and debates, or proceedings in Parliament, ought not to be impeached or questioned in any Court or place, out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly empannelled and returned, and jurors which pass upon men in trials of high-treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

13. And that, for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties. And no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights, and liberties; the Lords spiritual and temporal assembled at Westminster, do resolve, that WILLIAM and MARY, Prince and Princess of Orange, be, and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown royal dignity of the said kingdoms and dominions to them the said Prince and Princess, during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said Prince of Orange in the names of the said Prince and Princess during their joint lives, and after their decease the said crown and royal dignity of the said kingdoms and dominions to be to the heir of the body of the said Princess; and for their default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange. and the said Lords spiritual and temporal, and Commons,

do pray the said Prince and Princess of Orange to accept the same accordingly. And that the oaths hereafter mentioned be taken by all persons of whom the Oaths of allegiance and supremacy might be required by law, instead of them; and that the said Oaths of allegiance and supremacy be abrogated.

*I, A. B. do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties, King William and Queen Mary.*

*So help me God.*

*I, A. B. do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, That princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical, or spiritual, within this realm.*

*So help me God.*

Upon which their said Majesties did accept the crown and royal dignity of the Kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

And thereupon their Majesties were pleased, That the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties royal concurrence make effectual provision for the settlement of their religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted: to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

Now, in pursuance of the premises, the Lords Spiritual and Temporal, and Commons in Parliament assembled, for the ratifying, confirming, and establishing the said Declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said Declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said Declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors, according to the same, in all times to come.

And the said Lords Spiritual and Temporal, and Commons, seriously considering how it hath pleased Almighty God, in his marvellous providence and merciful goodness to this nation, to provide and preserve their said Majesties royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts, their humblest thanks and praises, do truly, firmly, assuredly, and, in the sincerity of their hearts, think, and do hereby recognize, acknowledge, and declare, That King James the Second having abdicated the government, and their Majesties having accepted the crown and dignity as aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege, lord, and lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdiction, and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united and annexed.

And for preventing all questions and divisions in this realm, by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties, that it may be enacted, established, and declared, That the crown and regal government of the said kingdoms and dominions, with all singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them during their lives, and the life of the survivor of them: and that the entire, perfect, and full exercise of the regal power and government be only in, and executed by his Majesty, in the names of both their Majesties during their joint lives; and after their deceases, the said crown and premises shall be and remain to the heirs of the body of her Majesty; and for default of such issue, to her Royal Highness the Princess ANNE of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty; and theréunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise,

that they will stand to, maintain, and defend their Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever, that shall attempt any thing to the contrary.

And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish Prince, or by any King or Queen marrying a papist; the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, that all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with the See or Church of Rome, or shall marry a papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the crown and government of this realm; and Ireland, and the dominions thereunto belonging, or any part of the same: or to have use, or exercise any regal power, authority, or jurisdiction within the same: and in all and every such case or cases, the people of these realms shall be, and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to, and be enjoyed by such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled holding communion, or professing, or marrying as aforesaid, were naturally dead.

And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the imperial crown of this kingdom, shall on the first day of the meeting of the first Parliament next after his or her coming to the Crown, sitting in his or her throne in the house of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the Declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second, intituled, *An Act for the more effectual preserving the King's person and Government, by disabling Papists from sitting in either House of Parliament*. But if it shall happen, that such King or Queen, upon his or her succession to the crown of this realm, shall be under the age of twelve years, then every such King or Queen shall make subscribe, and audibly repeat the said Declaration at his or her coronation, or the first day of the meeting of the first Parliament as aforesaid, which shall first

happen after such King or Queen shall have attained the said age of twelve years.

All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted and established accordingly.

And be it further declared and enacted, by the authority aforesaid, That from and after this present session of Parliament, no dispensation by *Non Obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be especially provided for by one or more bill or bills to be passed during this present session of Parliament.

Provided that no charter, or grant, or pardon, granted before the three and twentieth day of October, in the year of our Lord one thousand six hundred and eighty-nine, shall be any ways impeached or invalidated by this act, but that the same shall be and remain of the same force and effect in law, and no other, than as if this act had never been made.

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#### THE CORONATION OATH.

"WILL you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging according to the statutes in Parliament agreed on, and the laws and customs of the same?"

"I solemnly promise so to do."

"Will you, to your power cause law and justice, in mercy to be executed in all your judgments?"

"I will."

"Will you, to the utmost of your power, maintain the laws of God the true profession of the Gospel, and the Protestant reformed religion as by law established? And will you preserve unto the Bishops and Clergy of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?"

"All this I promise so to do"

Then the King or Queen laying his or her hand upon the Gospels, shall say,

"The things which I have here before promised, I will perform and keep."

"So help me God"

THE END.